

**Claim Rejections - 35 U.S.C. § 103**

With regard to the Examiner's rejection of claims 5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over *Monroe et al.* in view of *Kita*, Applicant respectfully traverses these rejections.

The Examiner admits that *Monroe et al.* fails to disclose use of an incoming-image alert generating unit for issuing an incoming call alert when data has been received. The Examiner relies on the disclosure of *Kita* to teach an incoming alert generating unit for issuing an incoming signal alert when data has been received, citing to the Abstract and Fig. 1.

It is respectfully submitted that *Kita* teaches an incoming calling system to notify the user of an incoming call to a radio portable terminal of a mobile communication unit. Specifically, *Kita* teaches at col. 4, lines 24-35:

Moreover, when incoming for calling portable telephone 21 is received by portable telephone 21, incoming notification signal 25 is output from incoming notification signal transmitter 24 secured to portable telephone 21 by the jack and received by card-type incoming notification signal receiver 26 of a user of portable telephone 21 or wrist-type incoming notification signal receiver 27 set to the wrist of the user, sound or vibration is produced by a sound output buzzer or weight rotational motor included in receiver 26 or 27, and it notified to the user that calling reaches portable telephone 21.

In contrast, the present invention as set forth in claim 5 recites, *inter alia*, an image processing unit capable of data communication with a mobile telephone and of image output, said mobile telephone being capable of communicating with a communication apparatus via a network, the image processing unit comprising an incoming-image alert generating unit for issuing an incoming-call alert when data that has been received by the data receiving unit represents image data. It is respectfully submitted that *Kita* fails to

teach or suggest the incoming alert generating unit for issuing an incoming-call alert. As such, it is respectfully submitted that *Kita* fails to cure the deficiencies of the teachings of *Monroe et al.*, assuming these references are combinable, which Applicant does not admit. As such, it is respectfully submitted that claim 5 is not obvious over *Monroe et al.* in view of *Kita*.

It is respectfully submitted that claim 8 contains elements similar to those discussed above with regard to claim 5, and, thus, claim 8 is allowable based upon the reasons set forth above with regard to claim 5.

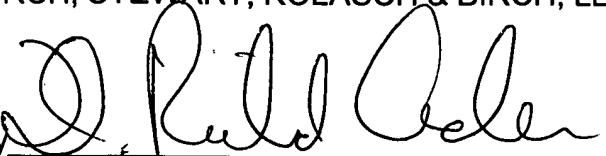
#### CONCLUSION

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact Catherine M. Voisinnet (Reg. No. 52,327) at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

  
DRA/CMV/jdm  
0905-0236P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000